

**SUNDAY, APRIL 29, 2012**

**EIGHTY-SECOND LEGISLATIVE DAY**

The House met at 7:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative K. Brooks.

Representative K. Brooks led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 89

Representatives present were Alexander, Armstrong, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Tindell; personal

**MESSAGE FROM THE SENATE**

**April 29, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 910, 912, 913, 915, 916, 917, 918, 920 and 921; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 910** -- Memorials, Sports - Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl football state champion. by \*Herron.

**Senate Joint Resolution No. 912** -- Memorials, Interns - Chelsea Rose. by \*Ramsey.

**SUNDAY, APRIL 29, 2012 – EIGHTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

**Senate Joint Resolution No. 913** -- Memorials, Interns - Tiffany N. Kaschel. by \*Ramsey.

**Senate Joint Resolution No. 915** -- Memorials, Recognition - Springfield Middle School, 2011 National Blue Ribbon School. by \*Roberts.

**Senate Joint Resolution No. 916** -- Memorials, Academic Achievement - Ethan Bryant Fields, Salutatorian, Hendersonville Christian Academy. by \*Roberts.

**Senate Joint Resolution No. 917** -- Memorials, Academic Achievement - Polly Jean Suzanne Gregory, Valedictorian, Hendersonville Christian Academy. by \*Roberts.

**Senate Joint Resolution No. 918** -- Memorials, Interns - Nicollette N. Davis. by \*Berke.

**\*Senate Joint Resolution No. 920** -- Memorials, Congress - Urges Congress to keep student loan interest rates low. by \*Kyle, \*Burks, \*Haynes, \*Marrero, \*Finney L, \*Harper, \*Roberts, \*Herron, \*Tate, \*Ketron, \*Crowe, \*Southerland, \*Ford, \*Stewart.

**Senate Joint Resolution No. 921** -- Memorials, Retirement - Ray Richesin. by \*Overbey.

**PRESENT IN CHAMBER**

Representative(s) Towns was/were recorded as being present in the Chamber.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 30, 2012:

**House Joint Resolution No. 1093** -- Memorials, Recognition - Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives. by \*Camper.

**House Joint Resolution No. 1142** -- Memorials, Recognition - Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives. by \*Camper, \*DeBerry L.

**House Joint Resolution No. 1155** -- Memorials, Academic Achievement - Amber Carpenter, Valedictorian, Memphis Health Careers Academy. by \*DeBerry L.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 30, 2012:

**Senate Joint Resolution No. 910** -- Memorials, Sports - Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl football state champion. by \*Herron.

**Senate Joint Resolution No. 912** -- Memorials, Interns - Chelsea Rose. by \*Ramsey.

**Senate Joint Resolution No. 913** -- Memorials, Interns - Tiffany N. Kaschel. by \*Ramsey.

**Senate Joint Resolution No. 915** -- Memorials, Recognition - Springfield Middle School, 2011 National Blue Ribbon School. by \*Roberts.

**Senate Joint Resolution No. 916** -- Memorials, Academic Achievement - Ethan Bryant Fields, Salutatorian, Hendersonville Christian Academy. by \*Roberts.

**Senate Joint Resolution No. 917** -- Memorials, Academic Achievement - Polly Jean Suzanne Gregory, Valedictorian, Hendersonville Christian Academy. by \*Roberts.

**Senate Joint Resolution No. 918** -- Memorials, Interns - Nicollette N. Davis. by \*Berke.

**Senate Joint Resolution No. 921** -- Memorials, Retirement - Ray Richesin. by \*Overbey.

**UNFINISHED BUSINESS**

**\*Senate Joint Resolution No. 222** -- Constitutional Amendments - Proposes an amendment to Article XI, Section 5 of the Constitution of the State of Tennessee concerning charitable lotteries to include certain veterans' organizations. by \*Crowe, \*Faulk, \*Gresham, \*Overbey, \*Ford.

Senate Joint Resolution No. 222 was previously considered on April 27, 2012, for the first Constitutional reading.

Rep. Curtiss requested that the Clerk read Senate Joint Resolution No. 222 for the second Constitutional reading, as prescribed by the Constitution of the State of Tennessee.

The Clerk read Senate Joint Resolution No. 222.

Rep. Curtiss moved that Senate Joint Resolution No. 222 be reset for the next Regular Calendar on Monday, April 30, 2012, for its third and final reading, which motion prevailed.

MESSAGE FROM THE SENATE

April 29, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 68, 74, 668, 2156, 2179, 2190, 2224, 2271, 2289, 2407, 2416, 2519, 2607, 2617, 2712, 2719, 2727, 2776, 2789, 2911, 2920, 2988, 3023, 3044, 3061, 3096, 3195, 3216, 3241, 3262, 3331, 3358, 3594, 3629, 3642, 3644, 3652, 3655, 3700, 3759, 3798 and 3810; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

April 29, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2247, 2349, 2368, 2371, 2438, 2560, 2606, 2759, 2863, 2886, 3155, 3315, 3657, 3745 and 3815; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 2247** -- Tennessee Regulatory Authority - As introduced, changes the membership of the authority to be five part-time directors instead of four full-time directors; sets the salaries of such directors; revises other provisions regarding the Authority. - Amends TCA Title 65. by \*Norris, \*Faulk. (\*HB2385 by \*McCormick, \*Marsh)

**Senate Bill No. 2349** -- Sexual Offenses - As introduced, requires that persons convicted of aggravated rape serve 100 percent of sentence. - Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35. by \*Beavers. (\*HB2311 by \*Parkinson)

**\*Senate Bill No. 2368** -- Criminal Offenses - As introduced, enhances the penalty for involuntary labor servitude where the victim was under age 13 and adds means by which the crime is possible. - Amends TCA Title 39, Chapter 13 and Title 40. by \*Marrero, \*Harper, \*Burks, \*Yager. (HB2488 by \*Coley, \*Jones S, \*Floyd, \*Sparks, \*Brown, \*Todd, \*Swann, \*Gilmore, \*Richardson)

**Senate Bill No. 2371** -- Criminal Offenses - As introduced, creates the offense of trafficking for commercial sex acts and describes acts that constitute the crime. by \*Marrero, \*Harper, \*Summerville, \*Burks, \*Ford, \*Yager. (\*HB2493 by \*Coley, \*Jones S, \*Sparks, \*Maggart, \*Todd, \*Brown, \*Gilmore, \*Richardson, \*Sontany)

**\*Senate Bill No. 2438** -- Sexual Offenses - As introduced, increases from \$1,500 to \$2,000 the fine that may be imposed for a third or subsequent public indecency offense. - Amends TCA Title 39, Chapter 13 and Title 39, Chapter 17. by \*Finney L, \*Overbey, \*Yager, \*Burks. (HB2733 by \*Pitts, \*Harrison, \*Dennis, \*Brooks K, \*Dean, \*Eldridge, \*Naifeh, \*Shaw, \*Coley)

**Senate Bill No. 2560** -- Taxes, Exemption and Credits - As introduced, exempts from sales tax the repair and refurbishment services performed on out-of-state aircraft by an authorized service facility designated by an original equipment manufacturer, where the aircraft is removed out of state within 15 days of completion of work. - Amends TCA Title 67, Chapter 6, Part 3. by \*Ketron. (\*HB2551 by \*Sargent)

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

**Senate Bill No. 2606** -- Criminal Offenses - As introduced, creates new Class A felony theft provision if the amount stolen is 250,000 or more; allows state to aggregate value of property stolen into single count if the conduct arose from a common scheme; and changes venue for all offenses graded by value. - Amends TCA Title 39, Chapter 14, Part 1. by \*Beavers, \*Burks. (\*HB2655 by \*Sparks)

**\*Senate Bill No. 2759** -- Animal Cruelty and Abuse - As introduced, creates Class E felony of aggravated cruelty to livestock, which is intentionally engaging in specified conduct in a depraved and sadistic manner that results in serious bodily injury or death to the animal and is done without lawful or legitimate purpose. - Amends TCA Title 39, Chapter 14, Part 2. by \*Henry, \*Ketron, \*Ford, \*Gresham, \*Harper, \*Marrero, \*Massey, \*Overbey, \*Yager. (HB3082 by \*Odom, \*Harrison)

**\*Senate Bill No. 2863** -- Taxes, Exemption and Credits - As introduced, authorizes property tax relief for spouses of veterans whose deaths resulted from being deployed in support of peace operations. - Amends TCA Section 67-5-704. by \*Barnes, \*Norris, \*Burks, \*Crowe, \*Ford, \*Herron. (HB3213 by \*Pitts)

**\*Senate Bill No. 2886** -- Fees - As introduced, clarifies provisions regarding forfeitures of a cash bond or other surety as the result of a municipal traffic violation being transmitted to the TBI. - Amends TCA Title 6, Chapter 54; Title 7, Chapter 3 and Title 38, Chapter 6, Part 1. by \*McNally. (HB3225 by \*Watson, \*Matheny)

**Senate Bill No. 3155** -- Education - As introduced, requires standardized testing of K-2 students in schools in the achievement school district or in schools feeding into schools in the achievement school district to determine how to best target student learning needs and if any learning disparities exist. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6. by \*Kelsey. (\*HB3272 by \*Parkinson)

**Senate Bill No. 3315** -- Workers Compensation - As introduced, extends time period for advisory council on workers' compensation to provide specified information to the general assembly from 10 days to 14 days. - Amends TCA Title 29; Title 50, Chapter 6 and Title 56. by \*Johnson. (\*HB3372 by \*White)

**Senate Bill No. 3657** -- Unemployment Compensation - As introduced, allows employer to qualify as "seasonal employer" for purposes of unemployment insurance benefits. - Amends TCA Title 50, Chapter 7. by \*Johnson, \*Ramsey, \*Watson, \*Ketron, \*Burks, \*Bell, \*Tracy. (\*HB3430 by \*Matlock)

**\*Senate Bill No. 3745** -- Public Health - As introduced, requires the department of health to develop and implement a program to provide colorectal cancer screenings for uninsured individuals between ages 50 and 64 and for any other uninsured individuals determined to be at high risk for developing colon cancer; requires health insurance companies to cover colorectal cancer screenings. - Amends TCA Title 56 and Title 68. by \*Herron, \*Massey, \*Ford. (HB3830 by \*Casada, \*Hardaway, \*Parkinson)

**Senate Bill No. 3815** -- Clarksville - As introduced, subject to local approval, rewrites the charter. - Amends Chapter 252 of the Private Acts of 1929; as amended. by \*Barnes. (HB3885 by \*Pitts)

**SIGNED  
April 29, 2012**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 68, 74, 668, 2156, 2179, 2190, 2224, 2271, 2289, 2407, 2416, 2519, 2607, 2617, 2712, 2719, 2727, 2776, 2789, 2911, 2920, 2988, 3023, 3044, 3061, 3096, 3195, 3216, 3241, 3262, 3331, 3353, 3358, 3594, 3629, 3642, 3644, 3652, 3655, 3700, 3759, 3798 and 3810.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 87

Representatives present were Alexander, Armstrong, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Maggart, Marsh, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 87

**RECESS MOTION**

On motion of Rep. McCormick, the House stood in recess until 1:00 p.m., Monday, April 30, 2012.